

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Brian P. Danko

Fact-
Finding
Hearing

(Application for a
Manager's License)

November 5, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

P-R-O-C-E-E-D-I-N-G-S

(9:48 a.m.)

CHAIRPERSON MILLER: We have two Fact-Finding Hearings and they both involve personnel and so we would like to ask those who are -- I'm going to call the first case and everybody else we would ask that you actually leave the hearing room, because this is a personnel matter, if the persons are here.

So let me ask is Mr. Danko here? Okay. So if everybody else could step out?

And the next case is Mr. Okasaki. Is he here? Okay. So we will call you next, but if you could step out so that, all of you, there is privacy for this individual.

Is there some reason you are not stepping out? To you all, everybody in the back row, we want everybody to step out. Thank you. Our Investigators don't have to.

MEMBER SILVERSTEIN: They have to step out as well.

1 CHAIRPERSON MILLER: Okay. So Mr.
2 Alberti has the window. And so the only
3 individuals who are in the hearing room, just
4 so you know, they are actually Agency
5 personnel.

6 MR. DANKO: Okay.

7 CHAIRPERSON MILLER: So do you
8 have an objection to that?

9 MR. DANKO: No.

10 CHAIRPERSON MILLER: Okay. So you
11 have applied for a manager's -- oh, why don't
12 you put your name on the record?

13 MR. DANKO: Brian P. Danko, D-A-N-
14 K-O.

15 CHAIRPERSON MILLER: Okay. So you
16 have applied for a manager's license.

17 MR. DANKO: Yes, ma'am.

18 CHAIRPERSON MILLER: Okay. And
19 your application has on it a couple of
20 questionable things. as in convictions, I
21 believe, for second degree -- you were
22 convicted for a second degree assault?

1 MR. DANKO: Yes, ma'am.

2 CHAIRPERSON MILLER: And we called
3 you in because I think we wanted to give you
4 a chance to explain a little more because you
5 also, I think, put in here that you had done
6 a lot of community service.

7 MR. DANKO: Yes.

8 CHAIRPERSON MILLER: So we wanted
9 to give you a chance to, you know, address.

10 MR. DANKO: Okay.

11 CHAIRPERSON MILLER: And, Mr.
12 Alberti, did you have something else now?

13 MEMBER ALBERTI: No.

14 CHAIRPERSON MILLER: Right now?

15 MEMBER ALBERTI: I'll ask
16 questions later.

17 CHAIRPERSON MILLER: Okay. Okay.

18 MEMBER ALBERTI: Thank you.

19 CHAIRPERSON MILLER: Okay.

20 MR. DANKO: So basically, the
21 event happened on February 16th of 2013. I
22 was out in Frederick, Maryland with some

1 friends and had gotten splitten up from my
2 friends.

3 We were, you know, going bar to
4 bar. And while looking for my friends, I went
5 into an establishment and was trying to look
6 for them and, you know, I had had too much to
7 drink. We had been out all day and they asked
8 me to leave. I think I went outside and then
9 came back in another time.

10 The two managers confronted me
11 and, you know, were like escorting me out
12 saying you've got to go, you've got to go. I
13 was like I'm just looking for my friends. I'm
14 not trying to drink.

15 So they were like well, if you
16 don't leave, we are going to call the police
17 and they were like escorting me out. And
18 there was kind of like a door and then a foyer
19 and then another set of doors. So they pushed
20 me out of those doors. They locked the door.

21 I was just out and I'm like okay,
22 so I reached into my pocket to pull out like

1 a cell phone and I actually had a pocket knife
2 in my pocket knife. So I guess whoever was on
3 the phone with the police were like oh, he has
4 a pocket knife.

5 So the police showed up and
6 initially they charged me with first degree
7 assault, being that I had the pocket knife on
8 me. But that charge was amended on March 13,
9 2013 once they found out that I didn't
10 threaten anybody with it. I didn't open it.

11 So then when I went to Court, I
12 pled to the second degree assault. But, you
13 know, I got sentenced to the 80 hours of
14 community service, that has been completed.
15 All my fines are up to date.

16 But there was no physical contact,
17 no injuries, nothing like that.

18 CHAIRPERSON MILLER: So it was
19 just because you had the pocket knife in your
20 back pocket?

21 MR. DANKO: Yes, yes.

22 CHAIRPERSON MILLER: What kind of

1 community service did you do?

2 MR. DANKO: I had to work at The
3 Pound in Frederick for 80 hours.

4 CHAIRPERSON MILLER: Oh.

5 MR. DANKO: Washing dog bowls.

6 CHAIRPERSON MILLER: Oh, that
7 sounds fun. Okay.

8 MR. DANKO: It was actually a
9 pretty cool experience. I mean, I didn't --
10 it's an -- you know, it's a day of unfortunate
11 events. You know, I don't even typically
12 carry a pocket knife in my pocket. I was just
13 reaching in to grab some things out of my
14 pocket. I had my phone and a couple other
15 items and I guess they saw that and that kind
16 of alarmed them.

17 So I guess technically like the
18 second degree assault they kind of felt
19 threatened, so that's why I was charged the
20 way I was.

21 CHAIRPERSON MILLER: Okay. I want
22 to ask you one other question and then let

1 others ask questions.

2 MR. DANKO: Sure.

3 CHAIRPERSON MILLER: But so this
4 was related to an alcohol establishment, this
5 incident.

6 MR. DANKO: Yes.

7 CHAIRPERSON MILLER: So to say --

8 MR. DANKO: I believe so.

9 CHAIRPERSON MILLER: Is there
10 anything that you learned from this experience
11 that you would apply here if we approve you
12 for a manager?

13 MR. DANKO: Well, definitely, you
14 know, I never carry a pocket knife any more
15 just because anything can happen. The bar
16 that I work at, we have bouncers that are
17 there, so I don't really have to deal with,
18 you know, any incidents necessarily like that.

19 CHAIRPERSON MILLER: Do you have
20 to deal with people who are drinking too much?

21 MR. DANKO: Yes. I am TIPS-
22 certified, so, you know, I know all the

1 warning signs when you cut people off, when
2 you give, you know, them water and stuff like
3 that to kind of, you know, know when it is
4 time to know that they have had too much.

5 CHAIRPERSON MILLER: Okay. Sorry,
6 so I had just one question, but I just want to
7 finish this. In what role are you working in
8 an alcohol establishment? Are you a
9 bartender?

10 MR. DANKO: Yes. I am a
11 bartender.

12 CHAIRPERSON MILLER: Okay.

13 MR. DANKO: And I would like to if
14 I could submit a letter from my employer?

15 CHAIRPERSON MILLER: Yes. Okay.
16 And how long have you been doing that?

17 MR. DANKO: Bartending or working
18 at establishments?

19 MEMBER ALBERTI: Thank you.

20 CHAIRPERSON MILLER: How about
21 both?

22 MR. DANKO: Bartending and

1 managing probably for about 15 years.

2 CHAIRPERSON MILLER: Okay. And
3 this is the place where you would be a
4 manager?

5 MR. DANKO: I would be bartending.

6 CHAIRPERSON MILLER: The Rocket
7 Bar?

8 MR. DANKO: Yes.

9 CHAIRPERSON MILLER: Okay. Okay.

10 MR. DANKO: They just like all of
11 their employees to have an ABC License that
12 way, you know, there is always somebody there.

13 CHAIRPERSON MILLER: Yes.

14 MR. DANKO: I'm not necessarily in
15 like a managerial role, but they just like to
16 have all their employees, you know, licensed.

17 CHAIRPERSON MILLER: Right, okay.
18 Good. Okay. Other questions?

19 MEMBER BROOKS: Yes.

20 MEMBER ALBERTI: Yes.

21 CHAIRPERSON MILLER: Okay. Mr.
22 Alberti? Oh, I'm sorry, Mr. Brooks?

1 MEMBER BROOKS: Thank you, Madam
2 Chair, Mr. Alberti.

3 Mr. Danko, how old are you?

4 MR. DANKO: I am 36 years-old.

5 MEMBER BROOKS: 36. So when this
6 occurred, you were approximately 35?

7 MR. DANKO: Yes. It has almost
8 been two years ago.

9 MEMBER BROOKS: Oh, two years ago.
10 Okay.

11 MR. DANKO: Yes. It was 2/16/13.

12 MEMBER BROOKS: Okay. Okay. So
13 you were about 34 or 35.

14 MR. DANKO: Yes, sir.

15 MEMBER BROOKS: Okay. And you say
16 you were looking for your friends?

17 MR. DANKO: Yes. We were actually
18 at like a charity event. It was a charity
19 miniature golf event. So like every bar had
20 like a different hole at it.

21 MEMBER BROOKS: I gotcha. Okay.
22 So you mentioned something about a cell phone.

1 Was it possible for you just to call them on
2 your cell phone to locate them?

3 MR. DANKO: Yes. I couldn't get a
4 hold of anybody. I mean in the town of
5 Frederick there is a lot of bars in a very
6 like close proximity.

7 MEMBER BROOKS: Yes.

8 MR. DANKO: I couldn't get a hold
9 of anybody, so I was just kind of like trying
10 to backtrack on where we had been.

11 MEMBER BROOKS: Okay. How many
12 friends are we talking about?

13 MR. DANKO: I was in a group of
14 probably about four people.

15 MEMBER BROOKS: And no one was
16 responding to the phone call?

17 MR. DANKO: No, sir.

18 MEMBER BROOKS: Okay. And
19 approximately what time was this?

20 MR. DANKO: It happened at about
21 8:00.

22 MEMBER BROOKS: 8:00 p.m.?

1 MR. DANKO: 8:00 p.m., sir.

2 MEMBER BROOKS: So that is pretty
3 early.

4 MR. DANKO: Well, we had been out
5 probably since about 3:00.

6 MEMBER BROOKS: 3:00? Okay.

7 MR. DANKO: Yes.

8 MEMBER BROOKS: So about five
9 hours you guys were out?

10 MR. DANKO: Yes.

11 MEMBER BROOKS: And were you
12 intoxicated?

13 MR. DANKO: Was I?

14 MEMBER BROOKS: Yes.

15 MR. DANKO: Yes, sir.

16 MEMBER BROOKS: You were
17 intoxicated. Okay. That's all I have, Madam
18 Chair.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Alberti?

21 MEMBER ALBERTI: Hi, Mr. Danko. I
22 sort of want to reiterate what the Chair said

1 earlier. Whenever we see a manager's
2 application where there has been a conviction
3 for something, we look very closely.

4 MR. DANKO: Okay.

5 MEMBER ALBERTI: In your case,
6 since it dealt with assault, we thought it
7 best to bring you in to talk to you, because,
8 as you probably know, a manager's license,
9 even though you are just not going to be in a
10 managerial position there at Rocket Bar, you
11 are assuming a great deal of responsibility.

12 MR. DANKO: Yes.

13 MEMBER ALBERTI: All right. I
14 mean, with giving you that license it's a
15 privilege and we giving you that license are
16 putting our trust in you to manage the service
17 and sale of alcohol responsibly.

18 MR. DANKO: Yes, sir.

19 MEMBER ALBERTI: All right. And
20 that involves all aspects, cutting people off
21 that are too drunk, watching people who are
22 getting a little out of hand, like you did.

1 MR. DANKO: Yes.

2 MEMBER ALBERTI: Okay. I just
3 want to mention that you got lucky with your
4 community service. Some people would love to
5 work in a kennel. I for one.

6 CHAIRPERSON MILLER: Right.

7 MEMBER ALBERTI: So you got lucky.
8 How big was your knife?

9 MR. DANKO: Probably like this
10 big.

11 MEMBER ALBERTI: Okay. All right.
12 I guess what I'm wondering and I haven't heard
13 this from you, you know, you learned not to
14 carry a pocket knife. All right. But there
15 is a bigger issue here. Let me just tell you,
16 let me speak to this. All right?

17 MR. DANKO: Okay.

18 MEMBER ALBERTI: There is a bigger
19 issue for me. I would like to know what you
20 have learned about yourself from drinking.
21 Because obviously, you were angry. Obviously
22 you lost control. All right. I've been

1 there, done that. All right.

2 MR. DANKO: Yes, sir.

3 MEMBER ALBERTI: We learn from the
4 experience. What have you learned?

5 MR. DANKO: I learned that I've
6 got to like not set myself up for a long day
7 of drinking. Limit the number of drinks that
8 I have. This was like an all day event, so I
9 kind of put myself in a bad situation. And I
10 mean, I feel bad that, you know, I had to put
11 those people through this event.

12 MEMBER ALBERTI: Were you working
13 as a bartender at the time you did this? That
14 this event occurred, were you working in an
15 alcohol establishment?

16 MR. DANKO: I was actually --

17 MEMBER ALBERTI: Two years ago.

18 MR. DANKO: -- yes.

19 MEMBER ALBERTI: Yes.

20 MR. DANKO: I have a full-time job
21 that I work for.

22 MEMBER ALBERTI: What's that?

1 MR. DANKO: For Marriott.

2 MEMBER ALBERTI: Doing what for
3 Marriott?

4 MR. DANKO: Yeah, I work full-time
5 there.

6 MEMBER ALBERTI: Doing what?

7 MR. DANKO: The same thing I do,
8 bartend and serving.

9 MEMBER ALBERTI: Okay.

10 MR. DANKO: So that's where I was
11 working full-time and this is just a part-time
12 job.

13 MEMBER ALBERTI: At the Rocket Bar
14 were you working there part-time?

15 MR. DANKO: At Rocket Bar?

16 MEMBER ALBERTI: Yes.

17 MR. DANKO: No.

18 MEMBER ALBERTI: Okay.

19 MR. DANKO: But I --

20 MEMBER ALBERTI: Well, the reason
21 I'm asking --

22 MR. DANKO: Yes, sir.

1 MEMBER ALBERTI: -- is that can
2 you explain to me why you wouldn't have been
3 more conscious of why these people wanted to
4 handle you the way they did? I mean, you are
5 in the business. You got to see it. How did
6 you forget? How did you forget that sometimes
7 you are on the other side of that fence?

8 MR. DANKO: I didn't. I mean, I
9 had had too much to drink and I was not
10 thinking clearly. You know, I even think they
11 offered to get me a cab ride, but I was just
12 frustrated at the situation and I wasn't
13 thinking clearly and made some poor choices.

14 MEMBER ALBERTI: Are you limiting
15 your -- are you being more careful about how
16 you drink these days?

17 MR. DANKO: Oh, definitely,
18 definitely, sir.

19 MEMBER ALBERTI: Okay. Thank you.
20 I have no further questions.

21 CHAIRPERSON MILLER: Any other
22 questions? I just have follow-up to Mr.

1 Alberti's line of questioning.

2 And that is you were a bartender
3 then and you are a bartender now and you want
4 to get this license. Then your drinking too
5 much led to the assault charge. So I'm just
6 wondering if you have learned something from
7 that? Have you changed your drinking habits?

8 MR. DANKO: Oh, for sure.

9 CHAIRPERSON MILLER: Okay.

10 MR. DANKO: I mean, as I mentioned
11 to Mr. Alberti nowadays like I'll limit my
12 number of drinks that I have. I won't set
13 myself up. I think if, you know, you go out
14 early and decide to drink all day, that's you
15 are setting yourself up for the possibility
16 for, you know, something bad to happen or to
17 put yourself in a bad situation.

18 So that -- this event has
19 definitely made me realize that I got to be
20 cognizant of that and, you know, realize, you
21 know, if somebody asked me to leave, I've got
22 to like stop and think for a second, okay,

1 there is a reason they want me to leave. I've
2 got to go. I'll take the cab offer, you know.

3 CHAIRPERSON MILLER: Okay. I
4 mean, I think it can also be valuable when you
5 are, like Mr. Alberti was saying, on the other
6 side also to understand maybe what happened
7 with a person you are dealing with, but also
8 to make sure that you are always responsible
9 and not out of control.

10 MR. DANKO: Yes. And I mean, I
11 just want to say like when I'm at work, I'm
12 completely professional. You know, I
13 definitely don't drink on the job, at either
14 job. I know, you know, I've been TIPS-
15 certified forever, so I know, you know, the
16 points of when to cut people off.

17 And it's -- I would never act in
18 this fashion, you know, while working. And I
19 regret that I had this, you know, to do it
20 outside of work and be going to this place.

21 CHAIRPERSON MILLER: Okay. All
22 right. Thank you. Any other questions?

1 MEMBER BROOKS: Madam Chair?

2 CHAIRPERSON MILLER: Yes?

3 MEMBER BROOKS: If you're finished
4 with your questioning --

5 CHAIRPERSON MILLER: Yes.

6 MEMBER BROOKS: -- I would like to
7 make a motion.

8 CHAIRPERSON MILLER: Okay. Good.

9 MEMBER BROOKS: And my motion is
10 that we grant Mr. Danko a license for six
11 months trial, a probationary license or
12 whatever that's called. And if things go okay
13 and no other incidents within that six months,
14 then grant him a full license.

15 MEMBER SILVERSTEIN: I would
16 second that.

17 CHAIRPERSON MILLER: Okay. Any
18 comments on the motion?

19 MEMBER ALBERTI: Yes, just explain
20 to Mr. Danko, so we would give you, if this
21 passes, six months and then you would have to
22 renew it in six months.

1 MR. DANKO: Okay.

2 MEMBER ALBERTI: In six months, if
3 there is nothing else on your record, nothing
4 else crops up, then we just make the normal
5 renewal. We wouldn't -- assuming agreement
6 with what you ask.

7 MR. DANKO: Yes.

8 CHAIRPERSON MILLER: Right.

9 MEMBER ALBERTI: We wouldn't ask
10 for you to come back here.

11 MEMBER BROOKS: No, no, no.

12 CHAIRPERSON MILLER: No, no.

13 MEMBER BROOKS: No, no, no.

14 MEMBER ALBERTI: You would just
15 come back in and renew it.

16 MR. DANKO: Okay.

17 MEMBER ALBERTI: All right. So
18 it's just to make sure that for the next six
19 months you are doing the right thing.

20 MR. DANKO: Right.

21 MEMBER ALBERTI: Which I trust you
22 will be.

1 MR. DANKO: I completely
2 understand.

3 MEMBER ALBERTI: Okay.

4 MEMBER BROOKS: And to further
5 clarify that, I'm not sure about the payment.
6 If he makes the payment now for the two years?

7 MEMBER ALBERTI: I don't know
8 about that.

9 MEMBER BROOKS: I'm not sure how
10 that works.

11 MEMBER ALBERTI: We will have to
12 find out about that.

13 MEMBER BROOKS: Yes, yes, we don't
14 want you to pay twice.

15 MR. DANKO: Okay.

16 MEMBER BROOKS: But just to make
17 sure how that works.

18 MEMBER ALBERTI: So our General
19 Counsel will figure that out at the front
20 desk.

21 MR. DANKO: Okay.

22 MEMBER ALBERTI: And make sure

1 that gets taken care of.

2 MR. DANKO: I just want to like
3 thank you all.

4 CHAIRPERSON MILLER: Wait. We
5 have not --

6 MEMBER ALBERTI: We haven't made a
7 decision yet.

8 MR. DANKO: Oh, I'm sorry.

9 CHAIRPERSON MILLER: That's okay.

10 MR. DANKO: I'm sorry.

11 CHAIRPERSON MILLER: That's okay.

12 MEMBER ALBERTI: But I will say
13 before we do it, I want to thank you for
14 coming.

15 MR. DANKO: Yes, thank you.

16 MEMBER ALBERTI: And your honesty
17 and cooperation. Thank you.

18 MR. DANKO: Thank you, sir.

19 CHAIRPERSON MILLER: Okay. We
20 have a motion to approve this applicant for a
21 manager position for a six month provisional
22 period. And then the later, I think,

1 expiration is six months, if there are no
2 further incidents, then he can refile a
3 regular application.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 4-0-0.

9 We're just going to sign-off, so
10 you want to wait.

11 MEMBER ALBERTI: You're still
12 under probation, aren't you?

13 MR. DANKO: Yes. I'll be off
14 probation in September.

15 MEMBER ALBERTI: Okay. So you
16 will have bigger problems if you mess up --

17 MR. DANKO: Yes, yes.

18 MEMBER ALBERTI: -- than not
19 getting a license.

20 MR. DANKO: Yes.

21 MEMBER ALBERTI: Good luck.

22 MR. DANKO: Thank you.

1 MEMBER BROOKS: Good luck.

2 CHAIRPERSON MILLER: Thank you.

3 No, we are signing off --

4 MEMBER ALBERTI: Yes, we are going
5 to sign this.

6 CHAIRPERSON MILLER: -- first.

7 MEMBER ALBERTI: And I don't know
8 if he wants to take care of it today. You can
9 take care of it today. We are just going to
10 sign it now.

11 MR. DANKO: Take care of?

12 CHAIRPERSON MILLER: Processing.

13 MEMBER ALBERTI: Processing it.

14 MR. DANKO: Sure. Oh, yes. I
15 have everything.

16 MEMBER ALBERTI: Yes. Go out to
17 the front desk if you want to do that today
18 and we are going to sign it right now.

19 MR. DANKO: Okay.

20 CHAIRPERSON MILLER: So wait.

21 MEMBER ALBERTI: So just hold on.

22 CHAIRPERSON MILLER: You need to

1 wait a minute.

2 MEMBER BROOKS: We will give you a
3 document to take to them.

4 MEMBER ALBERTI: Yes.

5 MR. DANKO: Okay.

6 MEMBER BROOKS: Okay.

7 MR. DANKO: All right. Thanks
8 again.

9 CHAIRPERSON MILLER: Thank you.

10 MEMBER ALBERTI: Thank you.

11 CHAIRPERSON MILLER: Good luck.

12 MEMBER ALBERTI: Good luck.

13 (Whereupon, the Fact-Finding
14 Hearing in the above-entitled matter was
15 concluded at 10:08 a.m.)

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